

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLA ANTONIA DEMARCO,

Plaintiff,

- against -

ORDER
08 CV 3055 (RRM)(LB)

THE CITY OF NEW YORK; THE CITY OF NEW
YORK DEPARTMENT OF EDUCATION; NEW
YORK CITY MAYOR MICHAEL BLOOMBERG;
NEW YORK CITY SCHOOL'S CHANCELLOR
JOEL KLEIN; RENEE DAVID; THERESA EUROPE;
PHILIP COMPOSITO; NANCY RYAN; MICHAEL
BEST; MICHAEL CARDOZO; NEW YORK CITY
DEPUTY MAYOR DENNIS WALCOTT;
NEW YORK STATE GOVERNOR DAVID PATTERSON;
and ELEANOR ELOVICH GLANSTEIN,

Defendants.

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BLOOM, United States Magistrate Judge:

On August 10, 2009, the Court extended the time for plaintiff to serve defendants until September 25, 2009, (document 10). After this deadline passed, the Court recommended that this case should be dismissed pursuant to Fed. R. Civ. P. 4(m) for failing to timely serve defendants. (Document 11.) By letter dated November 10, 2009, plaintiff objects to the Court's recommendation, stating that she was unable to serve defendants due to "serious personal and family illness along with delay due to failure to timely update [her] new mailing address on the part of the U.S. District Court, Eastern District staff." (Document 12.)

Although plaintiff claims that she properly alerted the Court of her change of address, the only indication that plaintiff changed residence is found on page three of her amended complaint, which lists a different address from the one provided in the original complaint. This is not the correct way to notify the Court that plaintiff has changed her address. The Court

cannot comb through filings to find a change of address. If plaintiff changes her address in the future, she shall write to the Court to notify the Clerk of the change.

Nevertheless, the Court withdraws its October 22, 2009 Report and Recommendation and grants plaintiff until December 20, 2009 to file proof of proper service on defendants. The Court extends the Rule 4(m) deadline for plaintiff to serve defendants to December 20, 2009. This is plaintiff's final opportunity to effect service on defendants. If she fails to demonstrate that she has properly served defendants by December 20, 2009, the Court shall reinstate its recommendation that this case should be dismissed pursuant to Fed. R. Civ. P. 4(m).

SO ORDERED:

Dated: November 20, 2009
Brooklyn, New York

/S/

LOIS BLOOM
United States Magistrate Judge